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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 14 May 2002 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Kazakhstan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan and, with reference to the note of 7 March 2002 from the Chairman of the Committee, has the honour to forward the report of Kazakhstan pursuant to resolution 1390 (2002) (see annex).

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Annex to the note verbale dated 14 May 2002 from the Permanent Mission of Kazakhstan to the United Nations addressed to the Chairman of the Committee

[Original: Russian]

Report of the Republic of Kazakhstan on the measures taken to implement Security Council resolution 1390 (2002)

With a view to the implementation of paragraph 2 of Security Council resolution 1390 (2002), the following measures have been taken in the Republic of Kazakhstan:

(a) Measures have been taken by State organs to identify and freeze the funds, financial assets and economic resources of individuals, groups, undertakings and entities in the territory of Kazakhstan suspected of belonging to terrorist organizations.

In particular, lists of terrorist organizations and individuals connected with terrorist activities have been sent to the National Bank of the Republic of Kazakhstan and secondary banks instructing them to:

- Check for information during the past three years on individuals and bodies corporate connected with terrorist activities in accordance with the aforementioned lists;
- Give urgent consideration to the requests for information and instructions received from the law enforcement organs of the Republic of Kazakhstan relating to these questions;
- Adopt internal bank documents regulating questions relating to the work of the bank with customers and bank agents;
- Submit a quarterly report to the National Bank of the Republic of Kazakhstan giving information on the implementation of these measures.

As a result of these checks, in one case evidence has been found in a secondary bank concerning the financial assets of an individual suspected of belonging to terrorist organizations. The competent organs of the Republic are investigating the case. The financial assets of the individual concerned have been frozen.

At the same time, secondary banks have adopted the necessary internal documents to authorize checks on new customers with regard to their possible involvement in the financing of terrorist activities prior to the opening of a bank account; to exclude any possibility of bank accounts being opened anonymously; to obtain additional information on international organizations in the prescribed manner; to determine the basic signs of suspicious transactions; and to strengthen monitoring of the activities of bank employees.

(b) Measures are being taken to prohibit the entry into or transit through the territory of the Republic of Kazakhstan of individuals or organizations connected with the Taliban or al-Qa`idah and the use by them for their purposes of aircraft or other means of transport.

A plan of measures has been drawn up to raise the level of air security in civil aviation in the Republic of Kazakhstan.

In the context of the work being done to prevent terrorist activities, it is important to note the efforts being made in Kazakhstan to prevent illegal migration.

The territory of Kazakhstan has recently begun to be used as a transit corridor for the illegal crossing of individuals out of countries with an unstable military and political situation to the Russian Federation and European countries.

In the light of the aggravated situation on the southern borders of Kazakhstan resulting from an increase in the uncontrolled flow into the country of nationals of the Republic of Tajikistan and Afghanistan, which represents a serious threat to the security of the State, the Government of the Republic of Kazakhstan adopted resolution No. 1221 of 21 November 2001, which restricts entry into the territory of the Republic of Kazakhstan and forbids the penetration into or transit through the country of Osama bin Laden, members of al-Qa'idah or the Taliban and other individuals, groups and organizations connected with them.

Machinery has been developed to coordinate the work of the State organs of the Republic of Kazakhstan on interaction in tracking down and stopping cases of illegal residence and of illicit activities by foreign nationals in the territory of the Republic of Kazakhstan.

During border controls, information received from Interpol concerning individuals on the international search list of individuals prohibited entry into the Commonwealth of Independent States, including those belonging to terrorist organizations, is checked.

In November 2001, during a border control, five nationals of Afghanistan who did not have the appropriate permits and had illegally crossed the State border of the Republic of Kazakhstan bearing forged passports of nationals of Spain and France were arrested. According to information received from the United States authorities, two of those arrested were members of the Taliban. The case is being referred to the courts.

Work is being done in Kazakhstan to regulate questions relating to cooperation with foreign States in the campaign against terrorism; the exchange of information; and interaction in connection with the criminal investigation or criminal prosecution of those connected with terrorist acts.

The majority of illegal immigrants enter the country from Kyrgyzstan and Tajikistan. They are mainly nationals of Afghanistan, Pakistan or Sri Lanka holding forged entry visas obtained by the organizers of illegal migration, based in Pakistan (Peshawar), travelling on charter or regular flights from Karachi to Bishkek or from Karachi to Dushanbe.

During the past year 442 nationals of Afghanistan, 188 nationals of Sri Lanka and 40 nationals of Pakistan have been turned out of Kazakhstan.

In general, the organs of internal affairs of Kazakhstan, in cooperation with other State organs, regularly carry out operational preventive measures under a programme known as Migrant. According to the figures for the past year, as a result of Migrant operations, 48,488 foreigners (including 6,367 from far-abroad countries) were identified and brought before the administrative authorities. By

court order, 4,364 people (including 1,719 nationals of far-abroad countries) were turned out of Kazakhstan.

(c) Export controls of arms, military equipment, nuclear and special non-nuclear materials, products intended for military use, dual-purpose goods and equipment, and raw materials, equipment, technology, scientific and technological information and services connected with their production and use in the interests of both international security and the national security of the Republic of Kazakhstan are carried out by the customs authorities of the country in accordance with the provisions of Act No. 9-1 on export controls of 18 June 1996 and on the basis of the existing government decisions of the Republic of Kazakhstan.

Moreover, with a view to identifying and blocking the sources of financing of the terrorist activities of al-Qa'idah and the Taliban, the customs forms for goods and means of transport exported to Afghanistan are filled out only with the written authorization of the central customs authority of the Republic of Kazakhstan.

Work is under way to improve the national anti-terrorism legislation of the Republic of Kazakhstan. In particular, 19 February 2002 saw the adoption of the Act of the Republic of Kazakhstan on revisions and additions to certain legislative instruments on anti-terrorism, which introduced revisions and additions to the Criminal Code, the Code of Criminal Procedure and the Act on operational investigative activities, including those relating to the prevention of, and increased responsibility for, the commission of crimes in pursuit of terrorist aims. The Parliament of the Republic of Kazakhstan has ratified the United Nations Convention against Transnational Organized Crime.

The Parliament of the Republic of Kazakhstan is currently engaged in the process of ratifying the International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Terrorist Bombings.

A number of international treaties on cooperation in combating crime provide for coordinated preventive and special operations to prevent, detect and suppress crimes committed for terrorist and extremist purposes and the taking of hostages; the control of illegal migration; the exchange of information on individuals belonging to terrorist, extremist or separatist organizations; the organization of their pursuit and arrest; and the closing of the routes used by them.